

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

STATE OF TENNESSEE

Plaintiff,
vs.

Case No.: 2:23-cr-20191-MSN

TADARRIUS BEAN

Defendant.

**REPLY TO RESPONSE IN OPPOSITION
OF UNITED STATES TO DEFENDANT'S
MOTION TO LIFT "NO CONTACT ORDER" IN THIS CASE**

On October 3, 2023, the U.S. Government filed a motion in opposition to the request of Defendant to modify the conditions of release that restrict the ability of Defendants to communicate freely.

1. While the Government's motion asserts Defendants "killed" Tyre Nichols, it fails to appreciate the extent to which Tyre Nichol's actions contributed to his own demise. In said regard, the Court should be mindful of the following:
 - a) The actions of Mr. Nichols obviously put the life and safety of the police officers in extreme danger. These actions were precipitated by Mr. Nichols clearly being heavily under the influence of a number of substances, including alcohol, THC, and likely Psilocybin.
 - b) Secondly, Mr. Nicholas was incentivized to doggedly flee and resist arrest by the felonious activity inside his vehicle including controlled substances, stolen identification cards, and stolen credit cards.

Although the Government makes assertions about the allegations and nature of this case the desire to protect the “safety” of witnesses, etc., it fails to allege how said concerns are present in this case.

For over eight months, the Defendants have been under state indictment related to the events in this case. They went to Court dates often times sitting and waiting in agreed upon locations designated by Court security personnel. Not one complaint regarding safety has ever been lodged against them. In fact, logistically, it was feasible for certain defendants to ride together for travel and safety concerns during the early days of the State court case.

The Government lodges perhaps the most disingenuous section when the prosecutor states the Defendants have no particularly close relationship, because, they are not family or particularly close friends.

On a nightly basis this unit of the Memphis Police Department was called upon to engage the most dangerous individuals throughout the City, regardless of the race, creed, gender of said individuals. These five men were regularly engaging individuals that possessed fully automatic weapons including illegally modified handguns. When the cases that caused regularly scheduled programs to be interrupted, i.e.: 1) high profiled kidnappings, 2) shooting shoppers making purchases at local auto parts stores, 3) or a scorned lover that kills a mother and child, it was these men that this City asked to be first responders. The Government, while obviously looking at these factors in the very cool, calm serenity of an office, fails to appreciate the bond developed by individuals that rely on each other, often forsaking their own personal safety and wellbeing.

In short, while discussing Bail Reform and cases where co-defendants and witnesses were presumed dangerous flight risks, the Government makes no logical argument of why the ability to contact each other at will should cease as of September 13, 2023.

Defendant Bean respectfully asks this Court to remove the no-contact order in this case.

Respectfully submitted,

PERRY GRIFFIN, PC

/s/ John Keith Perry, Jr.

John Keith Perry, Jr., #24283

Attorney for Defendant

5699 Getwell Road. Bldg. G5

Southaven, MS 38672

P: 662-536-6868

F:662-536-6869

JKP@PerryGriffin.com

CERTIFICATE OF SERVICE

I, John Keith Perry, certify that a true and correct copy of the above and foregoing Notice of Appearance unto the following, United States District Attorney for the Western District of Tennessee, via the Court's electronic filing system.

David Pritchard

U.S. ATTORNEY'S OFFICE

Federal Building

167 N. Main St.

Ste. 800

Memphis, TN 38103

Email: david.pritchard2@usdoj.gov

Elizabeth Jane Rogers

US ATTORNEY'S OFFICE

167 N. Main

Suite 800

Memphis, TN 38103

901-544-4231

Email: elizabeth.rogers@usdoj.gov

This the 10th day of October 2023

/s/ John Keith Perry, Jr.

JOHN KEITH PERRY, JR.